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असाधारण  
EXTRAORDINARY

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed  
as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS  
(Legislative Department)

New Delhi, the 25th September, 1979/Asvina 3, 1901 (Saka)

THE COMPANIES (AMENDMENT) ORDINANCE, 1979

No. 9 of 1979

Promulgated by the President in the Thirtieth Year of the Republic of India.

An Ordinance further to amend the Companies Act, 1956.

WHEREAS the House of the People has been dissolved and the Council of States is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Companies (Amendment) Ordinance, 1979.

Short title  
and com-  
mence-  
ment.

2) It shall come into force at once.

1 of 1956.

2. In section 293A of the Companies Act, 1956,—

(i) in sub-section (1), for the words "contribute any amount or amounts", the words "make any contribution" shall be substituted;

Amend-  
ment  
of section  
293A.

(301)

ICJ2-21144  
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(ii) after sub-section (2), the following sub-sections shall be inserted, namely:—

“(3) If any member or office-bearer of a political party or any other person receives from any company, whether directly or indirectly, any contribution to a political party, or for political purposes, in contravention of the provisions of this section, he shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

(4) If a company or any officer thereof, directly or indirectly, renders assistance, in any form, to an individual or body to enable such individual or body to make contribution, or to obtain reimbursement for contribution made, to a political party or for any political purpose, then,—

(i) the company shall be punishable with fine which may extend to five thousand rupees; and

(ii) every officer of the company who renders, or authorises, such assistance shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

(5) For the purposes of sub-sections (1), (2), (3) and (4), contribution by a company to a political party, or for political purposes, includes—

(i) every direct or indirect donation, subscription or other payment, or provision of any service or assistance, in whatever form, made, or given, or caused to be made or given, by the company to such political party or for such political purposes;

(ii) every donation, subscription or other payment, or provision of any service or assistance, made or given, or caused to be made or given, by, or on behalf of, the company or on its account, to any individual or body, who, or which, to the knowledge of the company, is carrying on, or proposing to carry on, any activities which can, at the time at which such donation, subscription, other payment, or provision of any service or assistance, is made or given, or caused to be made or given, be reasonably regarded as likely to affect public support for such political party or any other political party or political purpose supported by such political party—

*Explanation.*—Every expenditure incurred, whether directly or indirectly, by a company on advertisement in any souvenir, brochure, pamphlet or the like, published by or on behalf of a political party shall be deemed, for the purposes of this section, to be a contribution for political purposes.

(6) Nothing in Chapter XXXVI of the Code of Criminal Procedure, 1973, shall apply to—

(i) any offence punishable under this section; or

(ii) any other offence, which under the provisions of that Code may be tried along with an offence under this section,

and every offence referred to in clause (i) or clause (ii) may be taken cognisance of by the Court having jurisdiction as if the provisions of that Code were not enacted."

N. SANJIVA REDDY,  
*President.*

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R. V. S. PERI SASTRI,  
*Secy. to the Govt. of India.*

